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CORPORATION

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16 UNITED STATES DISTRICT COURT
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18 NORTHERN DISTRICT OF CALIFORNIA

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20 **ORACLE CORPORATION, a Delaware**
21 **corporation, ORACLE USA, INC., a**
22 **Colorado corporation, and ORACLE**
23 **INTERNATIONAL CORPORATION, a**
24 **California corporation,**

25 Plaintiffs,

26 v.

27 SAP AG, a German corporation, SAP
28 AMERICA, INC., a Delaware corporation,
TOMORROWNOW, INC., a Texas
corporation, and DOES 1-50, inclusive,

Defendants.

Case No. 07-CV-1658 PJH

STIPULATED REQUEST FOR
CONTINUANCE OF CASE
MANAGEMENT CONFERENCE
FROM APRIL 3, 2008 TO APRIL 24,
2008

1 WHEREAS, during a hearing concerning discovery matters on March 4, 2008, the Special
2 Discovery Master, the Hon. Charles A. Legge (Ret.), suggested that the parties recommend to the
3 Court modifications of the discovery schedule in this case;

4 WHEREAS, the parties agree that modifications to the discovery schedule are necessary
5 and appropriate at this time;

6 WHEREAS, the nature and extent of such modifications depend, in part, on the nature and
7 timing of an amended complaint that plaintiffs expect to file;

8 WHEREAS, plaintiffs believe that completion of certain depositions that they have
9 noticed pursuant to F.R.Civ.P. 30(b)(6) is necessary before finalizing the amended complaint;

10 WHEREAS, plaintiffs expressed their desire to complete certain depositions before
11 finalizing the amended complaint to the Court at the February 12, 2008 Case Management
12 Conference, stating “[t]here are depositions last week in Denver and depositions next week in San
13 Francisco that are addressed to the facts that will be at the core of our amended complaint,”
14 among other reasons provided by plaintiffs as to why the amended complaint had not yet been
15 finalized;

16 WHEREAS, plaintiffs have been diligent in their efforts to complete these Rule 30(b)(6)
17 depositions;

18 WHEREAS, defendants have determined that they must withdraw a previously-scheduled
19 Rule 30(b)(6) witness, and, therefore, the parties are in the process of attempting to reschedule
20 that deposition for the end of March or early April;

21 WHEREAS, in accordance with Judge Legge’s suggestion, the parties have agreed to
22 meet and confer and attempt to reach agreement on proposed modifications to the discovery
23 schedule that will: (i) permit plaintiffs to complete the Rule 30(b)(6) depositions and their
24 proposed amended complaint; and (ii) allow sufficient time for the parties to complete the
25 discovery that they expect will be necessary in light of the discovery completed to date and the
26 proposed amended complaint;

27 WHEREAS, to allow for completion of those discussions prior to the next Case
28 Management Conference, the parties jointly request a short continuance.

1 NOW THEREFORE the parties hereto stipulate as follows:

2 The Case Management Conference that is scheduled for April 3, 2008 may be vacated and
3 rescheduled for April 24, 2008 at _____ or at such later time as the Court may order.

4 Dated: March 13, 2008

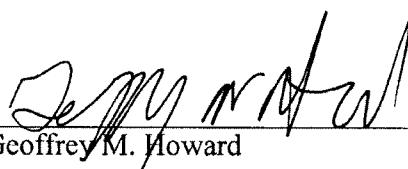
5 JONES DAY

6 By: 
7 Jason McDonell

8 Counsel for Defendants
9 SAP AG, SAP AMERICA, INC., and
TOMORROWNOW, INC.

10
11
12 Dated: March 13, 2008

13 BINGHAM McCUTCHEN LLP

14 By: 
15 Geoffrey M. Howard

16 Counsel for Plaintiffs
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